

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-4  
AGENDA DATE: Thu 12/02/2004  
PAGE: 1 of 1**

**SUBJECT:** C14H-04-0011 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the Eby-Potts House, 609 W. 33rd Street (Waller Creek Watershed) from Family Residence, Conditional Overlay, Neighborhood Plan (SF-3-CO-NP) district zoning to Family Residence, Conditional Overlay, Neighborhood Plan – Historic (SF-3-CO-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant Family Residence, Conditional Overlay, Neighborhood Plan – Historic (SF-3-CO-H-NP) combining district zoning. Planning Commission Recommendation: To grant Family Residence-Conditional Overlay-Historic-Neighborhood Plan (SF-3-CO-H-NP) combining district zoning. Applicant: Dr. Keith Lamy, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.

**REQUESTING DEPARTMENT:** Neighborhood Planning and Zoning

**DIRECTOR'S AUTHORIZATION:** Alice Glasco

## ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-04-0011

H.L.C. DATE: October 25, 2004

P.C. DATE: November 9, 2004

AREA: .27 acre

APPLICANT: Dr. Keith Lamy

AGENT: N/A

HISTORIC NAME: Eby-Potts House

WATERSHED: Waller Creek

ADDRESS OF PROPOSED ZONING CHANGE: 609 W. 33<sup>rd</sup> Street

ZONING FROM: SF-3-CO-NP

ZONING TO: SF-3-CO-H-NP

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from family residence, conditional overlay, neighborhood plan (SF-3-CO-NP) district to family residence, conditional overlay, neighborhood plan - Historic (SF-3-CO-H-NP) combining district zoning under Historic Landmark Designation Criteria 1, 3, 6, 9, and 11.

HISTORIC LANDMARK COMMISSION ACTION: Recommended a zoning change from family residence, conditional overlay, neighborhood plan (SF-3-CO-NP) district to family residence, conditional overlay, neighborhood plan - Historic (SF-3-CO-H-NP) combining district zoning. Vote: 5-0 (Fowler, Leary, and Hall absent).

PLANNING COMMISSION ACTION: Recommended a zoning change from family residence, conditional overlay, neighborhood plan (SF-3-CO-NP) district to family residence, conditional overlay, neighborhood plan - Historic (SF-3-CO-H-NP) combining district zoning. Vote: 8-0.

DEPARTMENT COMMENTS: The Comprehensive Survey of Cultural Resources (1984) lists this property as a priority 2 for preservation.

CITY COUNCIL DATE: December 2, 2004 ACTION:

ORDINANCE READINGS: 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: Heritage Neighborhood Association

BASIS FOR RECOMMENDATION:

The ca. 1901 Eby-Potts House meets Historic Landmark Designation Criteria 1, 3, 6, 9, and 11:

**1. Character, interest, or value as part of the development, heritage or cultural characteristics of the City of Austin, State of Texas, or the United States.** The house is located in Gypsy Grove, an 1891 addition to the city, platted by the Penn family. This neighborhood was given its name because of its location on the site of an old Gypsy campground, close to the Capital City Fairgrounds (upon which Hyde Park was platted in 1891), and the State Lunatic Asylum (now Austin State Hospital). Early names for the streets in Gypsy Grove indicate an attachment for the exotic: present 33<sup>rd</sup> Street was originally known as "Uarda" Street, while 34<sup>th</sup> Street was originally Karnak Street, and 31 ½ Street was Osiris Street. This ca. 1910 house was the first on this side of the street and one of the first in the neighborhood.

**3. Embodiment of distinguishing characteristics of an architectural type or specimen.**

The Eby-Potts House is a good example of American Foursquare design. It is a simple box house with a low hipped roof and prominent front porch. This house is an interesting variation of the American Foursquare: while the typical Foursquare house has a symmetrical façade, this house has an offset front door. American Foursquare houses were very popular in the Midwest and South at the turn of the 20<sup>th</sup> century for their pragmatic design, efficient use of space, and simple design.

**6. Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on architectural, historic, or cultural motif.**

The Eby-Potts House is located in a potential historic district in Gypsy Grove.

**9. Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state or the United States.**

The house portrays the lifestyle and means of prominent members of the faculty of the University of Texas. This house was occupied by Frederick W. Eby and Charles Shirley Potts, both eminent professors at the University in the early 20<sup>th</sup> century. Because of its proximity to the campus, Gypsy Grove attracted many people associated with the University.

**11. Identification with a person or persons who significantly contributed to the culture and development of the city, state or United States.**

**Frederick W. Eby** (1874-1968) is the first listed occupant of this house in 1910. Eby, born in Canada, was raised in a Mennonite community, received a B.A. from McMaster University (Canada) in

1895, did graduate work at the University of Chicago and earned his Ph.D. from Clark University in Worcester, Massachusetts. He taught at Baylor from 1900 to 1908, then came to the University of Texas in 1909, and moved into this house a year later. He served as professor and chair of the Department of History and Philosophy of Education. He promoted a spiritual emphasis in education, wrote a history of the Texas public education system, and has been called the "Father of the Texas Junior College Movement." While Eby resided in this house only for a few years, there are no other houses remaining associated with him.

**Samuel E. Gideon**, who is more closely associated with Pemberton Castle, purchased the house in 1920, and resided here for 3 years, before developing Pemberton Heights in West Austin. Gideon was a prominent professor of architectural design at the University of Texas. Gideon sold the property in 1923 to **Charles S. Potts** (1872-1963). Potts, born near Weatherford, Texas, graduated from the University of Texas in 1902 and from the University of Texas Law School in 1909. He began teaching political science at UT in 1911, and law in 1914. He was a founding member of the Texas Law Review in 1914. HE went to teach law at Washington University in St. Louis in 1926 and was named dean of the School of Law at Southern Methodist University in 1927. He is especially known for his contributions to the fields of criminal law and procedure and constitutional law. He worked on the impeachment proceedings against Governor James E. Ferguson, and was a leader in reforming Texas criminal procedure law.

**PARCEL NO.:** 02180318040000      **DEED RECORD:** Unknown

**LEGAL DESCRIPTION:** East half of 35% of Lot 5, and all of Lot 6, and the adjacent 18 feet of Block 9, Outlot 75-76, Division D, Gypsy Grove.

**ANNUAL TAX ABATEMENT:** \$6,125 (owner-occupied rate). City tax abatement: \$1,613.

**APPRAISED VALUE:** \$367,901

**PRESENT USE:** Residence

**CONSTRUCTION/DESCRIPTION:** Two-story rectangular-plan hipped-roof frame house with central, partial-width, two-story independent porch with screened second story; 16:1 fenestration.

**CONDITION:** Excellent.

**PRESENT OWNER**  
Dr. Keith Lamy

609 E. 33<sup>rd</sup> Street  
Austin, Texas 78705

**DATE BUILT:** ca. 1910

**ALTERATIONS/ADDITIONS:** The house was a square in footprint; there is a 2-story addition to the left of an unknown date. City building permits show that the house was "repaired and remodeled" in 1978; the extent of the work is unknown, but it is probable that a fixed glass pane in the front façade of the first floor of the addition was installed at that time.

**ORIGINAL OWNER(S):** Frederick Eby (1910)

**OTHER HISTORICAL DESIGNATIONS:**

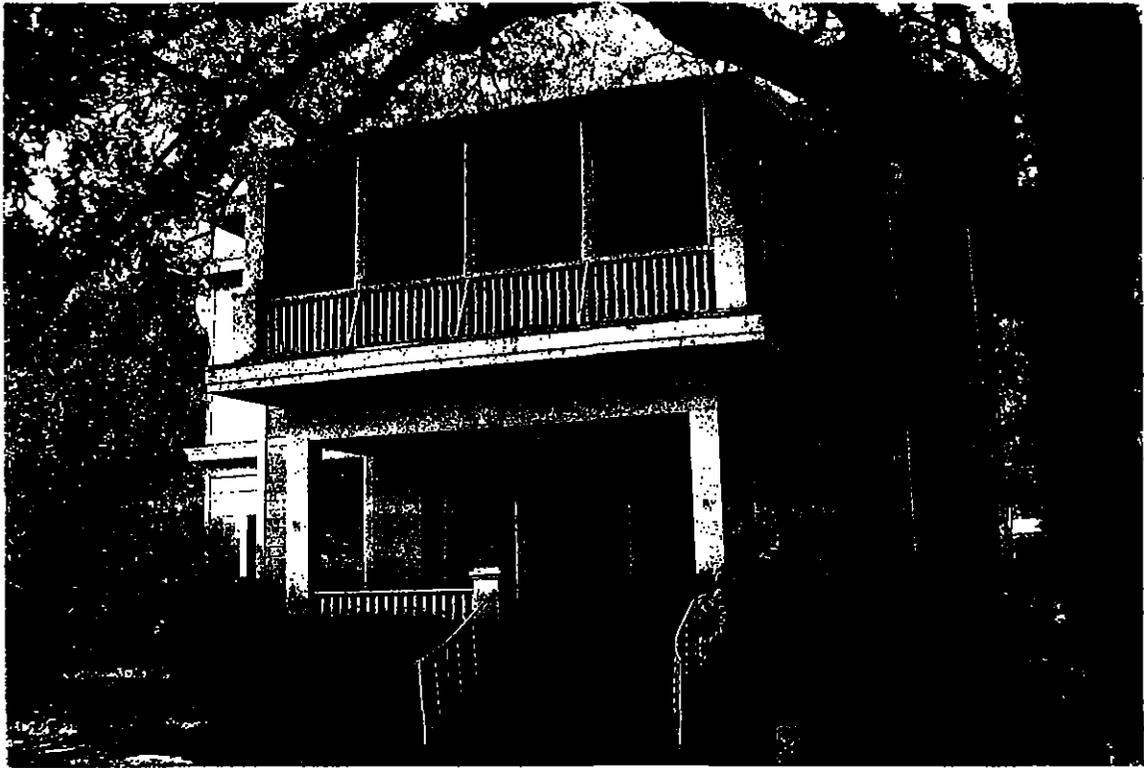
NATIONAL REGISTER: No

RECORDED TEXAS LANDMARK: No

NATIONAL LANDMARK: No

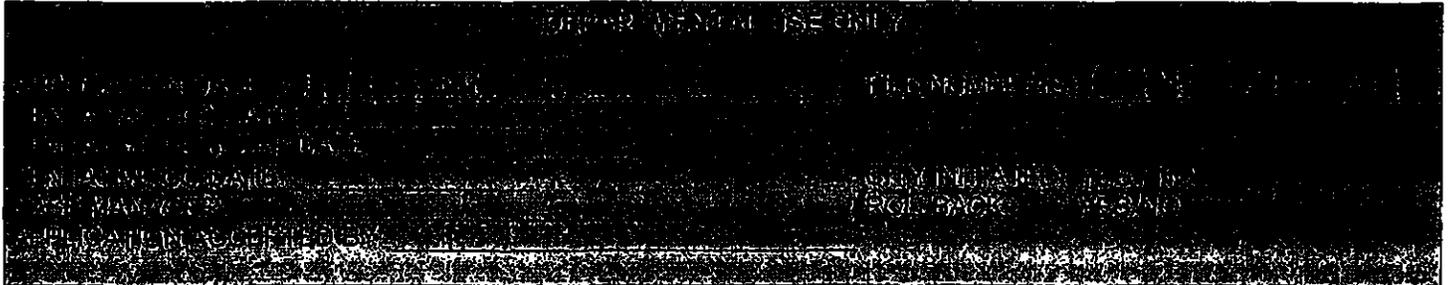
LOCAL SURVEYS: Yes, the Comprehensive Survey of Cultural Resources (1984) lists this property as a Priority 2 for preservation.





# A. APPLICATION FOR HISTORIC ZONING

**PROJECT INFORMATION:**



**BASIC PROJECT DATA:**

1. OWNER'S NAME: KEITH H. LAMY, M.D.

2. PROJECT NAME: \_\_\_\_\_

3. PROJECT STREET ADDRESS (or Range): 609 W. 33<sup>rd</sup> ST AUSTIN, TX

ZIP 78705 COUNTY: TRAVIS

IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:  
 LOCATED \_\_\_\_\_ FRONTAGE FEET ALONG THE N. S. E. W. (CIRCLE ONE) SIDE OF  
 \_\_\_\_\_ (ROAD NAME PROPERTY FRONTS ONTO), WHICH IS  
 APPROXIMATELY \_\_\_\_\_ DISTANCE FROM ITS  
 INTERSECTION WITH \_\_\_\_\_ CROSS STREET.

**AREA TO BE REZONED:**

4. ACRES .27 (OR) SQ.FT. \_\_\_\_\_

5. ZONING AND LAND USE INFORMATION:

EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
<u>MULTIUNIT</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**RELATED CURRENT CASES:**

6. ACTIVE ZONING CASE? (YES / NO) FILE NUMBER: \_\_\_\_\_

7. RESTRICTIVE COVENANT? (YES / NO) FILE NUMBER: \_\_\_\_\_

8. SUBDIVISION? (YES / NO) FILE NUMBER: \_\_\_\_\_

9. SITE PLAN? (YES / NO) FILE NUMBER: \_\_\_\_\_

PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: GYPSY GROVE  
 Block(s) 2, 9, 10 Lot(s) 6 Outlot(s) \_\_\_\_\_  
 Plat Book: VOLUME 2, PAGE 150 Page VOLUME 247, PAGE 494  
 Number: \_\_\_\_\_  
 10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME: \_\_\_\_\_ PAGE: \_\_\_\_\_ TAX PARCEL I.D. NO. \_\_\_\_\_

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE? YES / NO  
 TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) \_\_\_\_\_  
 13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT? YES / NO  
 14. IS A TIA REQUIRED? YES / NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)  
 TRIPS PER DAY: \_\_\_\_\_  
 TRAFFIC SERIAL ZONE(S): \_\_\_\_\_

OWNERSHIP TYPE:

15.  SOLE  COMMUNITY PROPERTY  PARTNERSHIP  CORPORATION  TRUST  
 If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION:

16. OWNER CONTACT INFORMATION  
 SIGNATURE: [Signature] NAME: Keith H. Lamy, M.D.  
 FIRM NAME: SAME TELEPHONE NUMBER: 512-474-8584  
 STREET ADDRESS: 609 W. 33rd St.  
 CITY: Austin STATE: TX ZIP CODE: 78705  
 EMAIL ADDRESS: \_\_\_\_\_

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION  
 SIGNATURE: [Signature] NAME: \_\_\_\_\_  
 FIRM NAME: Same as Owner TELEPHONE NUMBER: \_\_\_\_\_  
 STREET ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
 CONTACT PERSON: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_  
 EMAIL ADDRESS: \_\_\_\_\_

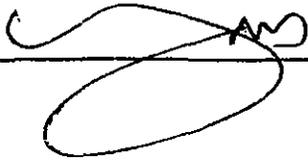
DEPARTMENTAL USE ONLY: \_\_\_\_\_

## D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

### SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND  
INDICATE FIRM REPRESENTED, IF APPLICABLE.

Signature  Date 4/12/04

\_\_\_\_\_  
Name (Typed or Printed)

\_\_\_\_\_  
Firm (If applicable)

### INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND  
INDICATE FIRM REPRESENTED, IF APPLICABLE.

Signature  Date 4/12/04

\_\_\_\_\_  
Name (Typed or Printed)

\_\_\_\_\_  
Firm (If applicable)

## E. ACKNOWLEDGMENT FORM

concerning  
Subdivision Plat Notes, Deed Restrictions,  
Restrictive Covenants  
and / or  
Zoning Conditional Overlays

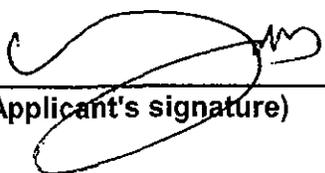
I, \_\_\_\_\_ have checked for subdivision plat notes, deed restrictions,  
(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

609 W. 33<sup>rd</sup> St.  
\_\_\_\_\_  
(Address or Legal Description)  
AUSTIN, TX 78705  
\_\_\_\_\_

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

  
\_\_\_\_\_  
(Applicant's signature)

4/12/04  
\_\_\_\_\_  
(Date)

TAX CERTIFICATE  
Nelda Wells Spears  
Travis County Tax Assessor-Collector  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9473

NO 42385

ACCOUNT NUMBER: 02-1803-1804-0003

PROPERTY OWNER:

KLOSS LISA GABRIELLE  
609 W 33RD ST  
AUSTIN, TX 78705-2223

PROPERTY DESCRIPTION:

E ONE HALF OF \* 35% OF  
LOT 5 \* & ALL OF  
LOT 6 \* & ADJ 18FT OF  
BLK 9 OLT 75-76 DIV D  
GYPSY GROVE

ACRES 0.000 MIN% .00000 TYPE

SITUS INFORMATION: 000609 33 ST W

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2003	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*
TOTAL SEQUENCE 0		*ALL PAID*
TOTAL TAX:		*ALL PAID*
UNPAID FEES:		* NONE *
INTEREST ON FEES:		* NONE *
COMMISSION:		* NONE *
TOTAL DUE ==>		*ALL PAID*

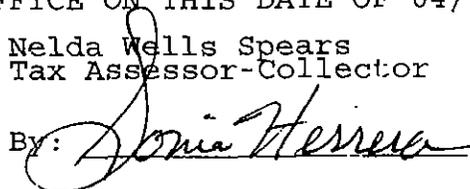
ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2003 EXCEPT FOR UNPAID YEARS LISTED ABOVE.  
TAXES PAID FOR YEAR 2003 \$5,300.00

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code). Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 04/08/2004

Fee Paid: \$10.00

Nelda Wells Spears  
Tax Assessor-Collector

By: 

Occupancy History for 609 W. 33<sup>rd</sup> Street:

1974        609a Janis Jones (teacher)  
              609b Scott Abbite (no occupation)

1973        609a Jim Gibson (cabinet maker)  
              609b Robert Holland (no occupation)

1972        609a T. Texas Tom (lamp maker)  
              609b Caroline Abbitt (student)

1971        609a Dick Farrar (carpenter)  
              609b Caroline Abbitt (student)

1970        609a Bob Wilkins (not listed)  
              609b Caroline Abbitt (student)

1969        Vacant

1968        Harold and Myrlena Grady (painter)

1967        Harold and Myrlena Grady (painter)

1966        George and Kathryn Milhim - Kitty Kat Nursery

1965        George and Kathryn Milhim - Kitty Kat Nursery

1964        George and Kathryn Milhim - Kitty Kat Nursery

1963        George and Kathryn J. Milhim, owner - Kitty Kat Nursery,  
              Plus-A-Day Nursery and Kindergarten

1962        George and Kathryn J. Milhim, owner - Kitty Kat Nursery

1960        George and Kathryn Milhim - Kitty Kat Nursery

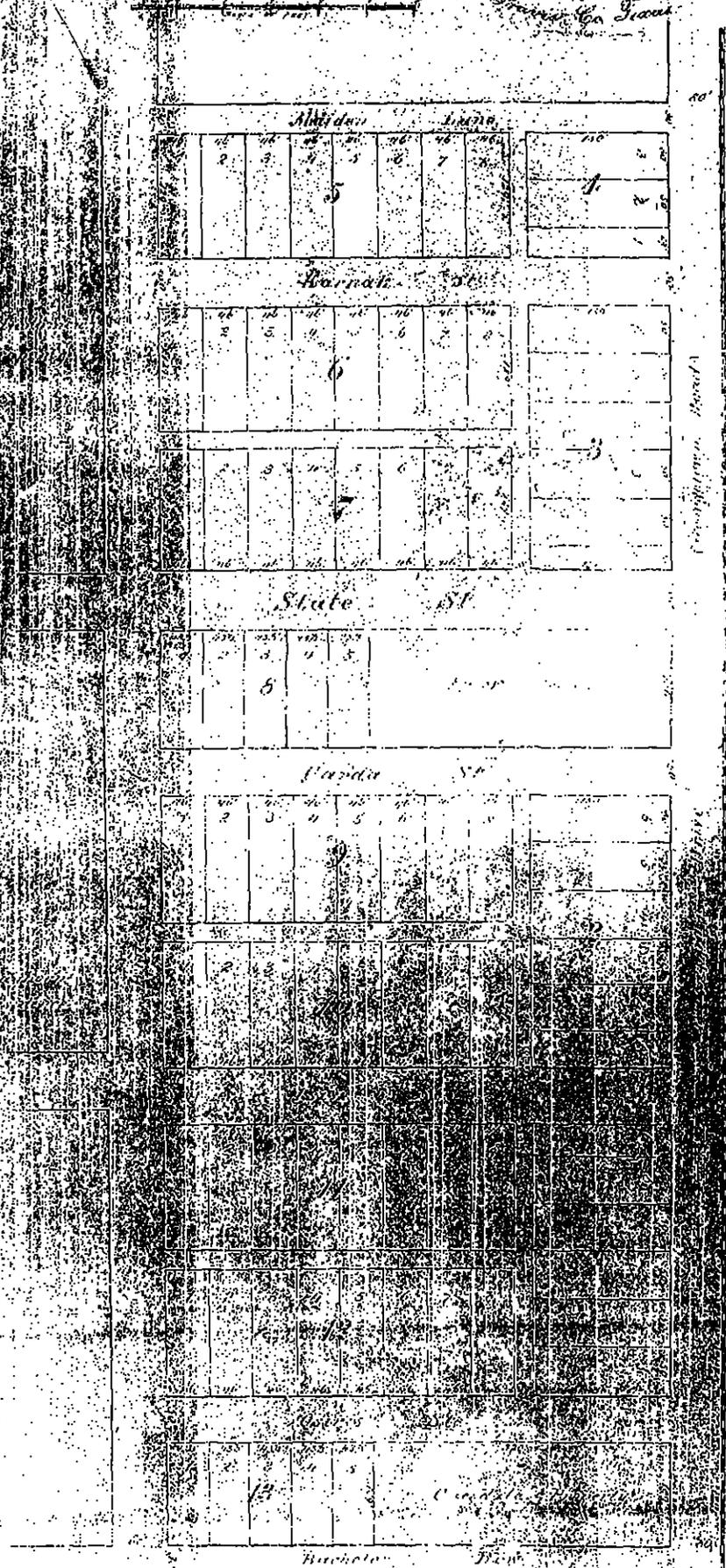
1957        George Milhim, Kitty Kat Nursery

1955        *House listed as 607*  
              George Milhim and Kathryn J., owner - Kitty Kat Nursery

- 1954 Charles and Lora Lewis (Charles, Auditor at the State Board for Hospitals/Special Schools and Lora, clerk at the Texas State Bank)
- 1952 Myrtle Sandiland, widow of J.E. Sandiland (piano teacher)
- 1949 Alfred F. Matson (U.T. Assoc. Professor)
- 1947 Alfred F. Matson (U.T. Professor)
- 1944-45 George D. and Kathryn Neal (Examiner for the State Unemployment Compensation Commission)
- 1942 Rev. Conway and Ethel Wharton (Pastor of United Presbyterian Church)
- 1941 H. Arbor Stratton (traveling salesman)
- 1939 H. Arbor Stratton
- 1937 H. Arbor Stratton
- 1935 *House addressed as 507*  
 Mrs. Frances M. Griffin (no occupation)  
 Charles D. Griffin (clerk, State Dept. of Education)  
 Maurine Griffin (no occupation)  
 V. Truman Griffin (no occupation)
- 1932-33 Henry G. Chandler (U.T. Professor)  
 William P. Bickley (no occupation)
- 1930-31 Henry G. and Edith Chandler (U.T. Professor)  
 William P. and Alicia Bickley (no occupation)
- 1929 Henry G. Chandler (Asst. Attorney General)  
 William P. Bickley (no occupation)
- 1927 Dr. Leroy A. and Rita Wilkes. owner (Chief of Health Services)
- 1924 C.S. and Ada G. Potts (U.T. Professor of Law)
- 1922 Samuel E. and Sadie Gideon, owner (U.T. Assoc. Professor of Architectural Design and History)

1920 J.S. Moss (U.T. student)  
1918 J.S. Moss  
1916 Mrs. Ada Beatley (widow)  
1914 Mrs. Susan Armstrong (widow) boards  
1912-13 Frederick Eby (U.T. Professor of History of Education) *the only houses on this street were 506 and 507*  
1910-11 Frederick Eby (U.T. Professor of History of Education)  
1909-10 street not listed

**Map of Grave**  
 A Subdivision of Part of  
 Out-Lots 75 and 76 Division D  
 City of Austin  
 Travis Co Texas



*Building  
 Property*

Plan No. 105-68

These records represent Ely's Grove Addition to the City of  
Butte, Montana, being a part of Lots 25 and 26 of Block 10 of  
said City and improved with streets, water, gas, electric light  
& sewerage, &c. The streets and alleys are hereby designated and dedicated  
to public use.

Witness my hand this 28th day of March 1891.

John E. Brown, Clerk of Court, County of Prairie, State of Montana, do hereby certify that the foregoing is a true and correct copy of the original records on file in my office.

Given under my hand and seal of Office this 28th day of March A. D. 1891.

(L. S.)

John E. Brown, Clerk of Court, County of Prairie, State of Montana.

Filed for Record March 28th 1891 at 3 P.M.  
Recorded March 30th 1891 at 6 P.M.

Frank Brown,  
Clerk County Court Prairie County  
H. W. Miller  
Deputy.

OWNER Whit H. Hanks ADDRESS 609B West 33rd. St.

PLAT 72 LOT E½ of Lot 5 & 6 adj 18 BLK.

SUBDIVISION Gypsy Grove

OCCUPANCY Res.

BLDG. PERMIT # 170372 DATE 2-6-78 OWNERS ESTIMATE 750.00

CONTRACTOR Same NO. OF FIXTURES

WATER TAP REC# SEWER TAP REC#

Repair & remodel res.

END

# Renowned Educator's Funeral Set For Today

Funeral services for Dr. Frederick Eby, famed educator, will be Tuesday at 11 a.m. at First Baptist Church.

Dr. Eby, formerly professor of the history and philosophy of education at the University of Texas, died in a local hospital Sunday.

Dr. William E. Denham, Dr. W. R. White and Dr. John Davidson will officiate. Burial will be in Austin Memorial Park under direction of Weed-Copley Funeral Home.

Survivors include his widow of Austin; three daughters, Mrs. Rowan Howard, Mrs. Helen Craig and Mrs. Byron Vestal; a son, Frederick Eby Jr., all of Austin; and 10 grandchildren and 22 great-grandchildren.

Pallbearers will be Dr. William E. Drake, Dr. C. C. Colvert, Dr. I. I. Nelson, Dr. Hobb Gray, Dr. M. E. Rogers, Billy L. Payne, Dr. Lynn McGraw, Louis Shudde and E. J. (Red) Lewellan.

Memorials may be made to the Frederick Eby Research Prize at the University of Texas.

Eby was regarded as the father of the Texas junior college movement, although he preferred to say he only "baby sat" with it.

At the time of his death, Eby was professor emeritus of the history and philosophy of education at UT. He had been an influence on all Texas education for almost 70 years.

A resolution in his memory was read Monday during the 27th annual Junior College Conference sponsored jointly by the University of Texas and the Association of Texas Junior College Board Members and Administrators.

Although Eby officially retired from teaching in 1957, he continued to write and to teach for about five years. He taught at Baylor University from 1900 until 1909 when he joined the UT faculty.

Eby wrote extensively and was written about extensively. A writer once said of the silver-haired educator: "Dr. Eby always stirs up a discussion — even in his own family."

In a monograph published in 1958, Eby said students should be finishing college, instead of high school, at the age of 18.

"There is altogether too much time wasted in the present system, too much idle time out of school, and too little coordination of curricula," Eby said. "It was originated for the pioneering civilization of a century ago, and in trying to adjust to the complexities and demands of our day it has only added more confusion."

Eby also disagreed with the "functional school" educators who believe that education is life and with the oldsters who believe that education is preparation for life.

"The truth of the matter is," he said, "education is gradual initiation into life, the revealing of the nature and significance of life to the young."

He continued:

"It is the observing and imitating of how men lived and are living. It gives concrete pictures of personalities who have experienced the highest values of human existence. It is an examination of the kind of life that is most worth living."

"Education assists the young to observe widely, analyze and compare the various kinds and qualities of life so as to select those of greatest promise."

Eby was so closely associated with the Texas educational movement that when the state celebrated the 100th year of public education in 1954, it was

he who called attention to the anniversary and who wrote a concise history of public education in the state.

Among his books are "Christianity and Education," "Education in Texas," "Source Materials," "The Development of Education in Texas," "Early Protestant Educators," "The Development of Modern Education" and "The History and Philosophy of Education, Ancient and Medieval."

Eby was born Oct. 26, 1874, in Berlin, Canada. He received the Bachelor of Arts degree from McMaster University and the Doctor of Philosophy from Clark University. His honorary degrees were a Doctor of Laws from McMaster and a Doctor of Humane Letters from Baylor.

The UT professor received many honors during his long career as teacher and educator. He and Mrs. Eby were honored guests at a Dallas meeting of the American Association of Junior Colleges in 1953. In 1956 a series of lectures marked his 50th anniversary as an educator.

# Mr. Chips Of Texas Will Retire

By ANITA BROWNE

Dr. Frederick Eby, whose influence on Texas education has been a stimulating force for nearly 40 years, will retire at the end of this semester as a professor at the University of Texas at the age of 82.

But the writing and the speech-making, which have been such a large part of his service to Texas education will continue.

Dr. Eby is a small and wiry man with distinguished features that are delights to photographer and artist alike. His resonant voice needs no loud speaker to carry through lecture halls. His eyes are keen and piercing and brown.

The year 1900 was an important one to young Fred Eby. He began his teaching career, which was to gain him worldwide renown, and he married Elizabeth Newman, daughter of the distinguished church historian, Albert Henry Newman.

The Ebys live at 2612 San Pedro in a pretty house with a view of the western hills. Dr. Eby can look out from his home to see some of nature's loveliness which he believes has been a strong influence in civilizing man.

Dr. Eby is a strong advocate of "spiritual emphasis" in education, and he has often said that it has been neglected in a world of "practicality."

Dewey's pragmatic approach to education never became the ruling rule in Texas education as it did in many states because of the leveling influence of Dr. Eby. He has said in speeches that substituting child activities for study and recitation is no longer new, but has caused confusion and conflict in education.

In 1954 when Texas celebrated the 100th anniversary of public education in the state it was Dr. Eby who was the historian who called attention to the event and it was Dr. Eby who wrote a concise history of the 100 years of progress in public education.

It was Dr. Eby's influence which helped form Texas' junior college system. Some admirers call him the father of Texas' junior colleges. He brushes such tributes aside with, "Not the father, just the babysitter!"

A well known Baptist layman, Dr. Eby first was a professor of philosophy and education at Baylor University until 1909, when he came to the University of Texas.

Born in Ontario, the son of a medical doctor, Aaron Eby, Dr. Eby studied at Stratford College Institute and holds AB and LL.D. degrees from McMaster University in Canada. He did graduate work at the University of Chicago,



Dr. Frederick Eby, leader of Christian education in Texas for 57 years, is retiring from his teaching position at the University of Texas. One of his former students, an Austin teacher, has said of him: "If I have accomplished much it is due to the influence of Dr. Eby's great teaching ability."

and in 1900 received a doctor of philosophy degree from Clark University in Worcester, Mass.

He and Mrs. Eby have four children.

He has written numerous books on education—both its philosophy and its history.

# Ex Dean of SMU Law School, Dr. Charles S. Potts Dies

Dr. Charles S. Potts, former dean of the Southern Methodist University law school, died in Dallas, Texas, on Saturday, May 11, 1963. He was 82 years old. Dr. Potts was born in Weatherford, Texas, on May 11, 1881. He received his bachelor's degree from Parker Institute at Whit, Parker County, and the University of Texas. He served as professor of economics at Texas A&M from 1902 to 1907 and professor in and first head of the department of government at the University of Texas from 1907 to 1909. In 1909 he became a professor of law and assistant dean of the Texas law school. Positions he held until 1935.

Dr. Potts was a founding member of the Texas Philosophical Society and held memberships in the American, Texas and Dallas Bar Associations, Phi Alpha Delta law fraternity and Delta Chi social fraternity. He was a Mason and a member of Highland Park Methodist Church. He published many other articles on criminal procedure and law. He was a founding member of the Texas Philosophical Society and held memberships in the American, Texas and Dallas Bar Associations, Phi Alpha Delta law fraternity and Delta Chi social fraternity. He was a Mason and a member of Highland Park Methodist Church. He published many other articles on criminal procedure and law. He was a founding member of the Texas Philosophical Society and held memberships in the American, Texas and Dallas Bar Associations, Phi Alpha Delta law fraternity and Delta Chi social fraternity. He was a Mason and a member of Highland Park Methodist Church. He published many other articles on criminal procedure and law.

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DR. CHARLES S. POTTS

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HEADLINE PORTRAIT

# Dean Potts Helped Train Many Leading Attorneys

By SAM BROWN

A wispy, elf-like man with a white beard, Dean Charles S. Potts, died last year, but his life until last year has been a record of more good lawyers than any other man in the South.

Some of the state's most distinguished attorneys, many of whom have won state and national fame, owe part of their training to Dean Potts.

That man is Charles Shirley Potts, dean of Southern Methodist University's school of law and its guiding light for 17 years, teacher and scholar for more than fifty years, a tireless, unflinching crusader for legal reforms, and now a Dallas assistant district attorney.

Last January, at 77, he had a gentle but sure academic smile to enter the college building and attend to many law practices in the district attorney's office.

He did not hesitate to assume the most strange role which he might assume, and he was beneath him when a young girl, the daughter of Will Wilson, sought his aid.

The dean took on the most serious technical job of preparing the state's laws, and he in many final cases. Today he is home in the home of Dist. Atty. Henry Wade on a part-time basis.

Many persons might have thought that the dean's active career was over when he retired as dean of SMU's law school early in 1937.

That career had been brilliant. He had taken the school almost from its infancy, in 1927, and carefully added to it a respected and distinguished position among the southern law schools. The careful way of selecting law professors was one of the key points in the school's rise. A Phi Beta Kappa himself, he is proud that six of the nine full-time professors at the time of his retirement also were Phi Beta Kappa members.

Dean Potts always played a major role in the school's achievement. He taught many courses himself, including his favorite subjects of constitutional law and criminal law. Not a single one of the 2,000 or more lawyers turned out during his twenty years got through without taking some courses from the dean.

Students remember him as a meticulous, thorough teacher, who had little patience with unprepared pupils, but who was unwaveringly fair. They remember him as a fiery lecturer, who frequently acted out the part of a criminal in a case involving sunbath or housebreaking.

And they remember him for the annual buffet dinners at his University Park home for his graduating classes. The only entertainment was plenty of "scintillating" talk. Here the dean was joined and aided by his wife, the daughter of noted, early University of Texas history professor, George P. Garrison.

SMU officials didn't know back in 1927 what a successful job the frail-looking, but tough and wiry dean would do. It remained for a singular crisis about two years later to put them at ease.

A law student who happened to be one of SMU's first all-time football greats created that crisis by flunking his law courses. That meant that the popular team-captain-elect would be ineligible to play the following year unless he could be reinstated.

Dallas sportswriters reported this catastrophe, but surmised that the athlete might yet be saved if given a re-examination.

"The law school gives no re-examinations," announced the dean.

But he did not flinch. He was a law student, and he was a football player. He was a law student, and he was a football player. He was a law student, and he was a football player.

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